

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America, :
Plaintiff, :
-v.- : Civil Action No. C-2-04-796
A 2002 Cadillac Escalade, : JUDGE SARGUS
VIN 1GYEK63N02R122389, : Magistrate Judge King
Defendant.

DEFAULT JUDGMENT AND DECREE OF FORFEITURE

This cause came before the Court on Plaintiff's Motion for Default Judgment and Decree of Forfeiture. After a thorough review of the record, the Court finds:

1. That on August 23, 2004, Plaintiff, the United States of America, filed a Verified Complaint alleging that said Defendant Property which was used or intended to be used in exchange for controlled substances, or represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate the trafficking of a controlled substance, in violation of 21 U.S.C. § 841 et seq., and is therefore forfeitable to the United States of America pursuant to 21 U.S.C. §881(a)(6);
2. That the aforementioned Complaint was accompanied by an affidavit (Exhibit A to Complaint) which established probable cause to believe the allegations set forth in said Complaint;
3. That process was duly issued herein and returned according to law;
4. That notice of the seizure of the Defendant Property was given according to law;
5. That Darnell Rhinehart is the only party known to the United States to have any interest in the Defendant Property. That he or any other claimant has failed to come forward to timely file herein any claim or other pleading within the time fixed by law;
6. That the allegations of the Verified Complaint are taken as admitted; and

7. That this Court has jurisdiction pursuant to 28 U.S.C. §§1345 and 1335.

NOW THEREFORE, based upon the above findings, and the Court being otherwise fully advised in the matter, it is hereby:

ORDERED, ADJUDGED, AND DECREED:

1. That the Defendant Property represents proceeds or was used to facilitate one or more violations of 21 U.S.C. § 841 et seq., said violation being trafficking in controlled substances and is therefore forfeitable to the United States of America pursuant to 21 U.S.C. §881(a)(6) and that the Defendant Property, described as:

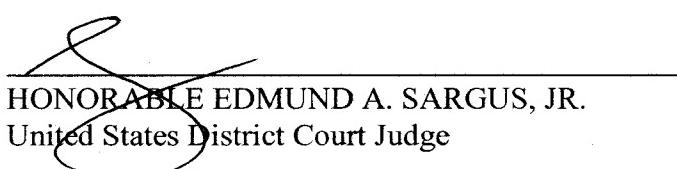
A 2002 Cadillac Escalade, VIN 1GYEK63N02R122389

is hereby **FORFEITED** to the United States of America pursuant to 21 U.S.C. §881(a)(6).

2. That all other claims and interests in and to said property are forever closed and barred; that no right, title or interest in the Defendant Property shall exist in any party other than the United States of America.

4. That the United States Marshals Service shall dispose of the forfeited property as provided by law.

IT IS SO ORDERED this 18th day of May, 2005.


HONORABLE EDMUND A. SARGUS, JR.
United States District Court Judge